

# Deaf Smith

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opposition as more homes get built in the Wasatch Front's foothills and crowds flock to recreate on them. In 2008, the Legislature blocked local government's ability to use eminent domain for trails, the Deseret News reported. Since then, there have been multiple unsuccessful attempts to pass exceptions for projects like the Bonneville Shoreline Trail and Jordan River Parkway.

After a snowboarder said he accidentally trespassed on a private road after exiting Brighton Resort, a man with a gun confronted him and yelled, "I have every right to defend my private property." The footage of the man threatening the snowboarder with a rifle went viral. And in Logan private property owners put up fences to block access to a trail used by the public for decades.

Locals in Cottonwood Heights are fearful that Deaf Smith will be closed off, despite assurances from the property owner that he wants to maintain public access. They are worried that the ultimate plans won't provide access to the trail's south fork, be placed on a steep hillside and disturb local wildlife.

**"My preference is that we do everything we can to safeguard this quality of lifestyle by working with landowners to secure all the foothills."**

**CHRISTINE MIKELL**  
Resident and frequent hiker in Deaf Smith Canyon

near the Deaf Smith Canyon trailhead and hikes it nearly every day. Mikell and other residents have mounted fierce opposition to the plans to build a home near the trailhead. "I hope that this council starts to look at ways that we can fund the preservation of our foothills because it's not just Deaf Smith Canyon," Mikell said. "It's everything between Big and Little Cottonwood Canyon that we should be preserving."

## A PLAN FOR A NEW HOME

The controversy over Deaf Smith Canyon began with an application to consolidate three lots to build one roughly 5,000-square-foot home.

At a Cottonwood Heights Planning Commission meeting Kade Huntsman, who owns the property, assured the public that



PHOTOS BY FRANCISCO KIOLETH The Salt Lake Tribune

The pipeline trail to the Deaf Smith Canyon trailhead in Cottonwood Heights is shown late last month.

he planned to maintain public access.

"I grew up there too," Huntsman said, "and I've hiked that canyon since I was 5 or 6 years old. It's my favorite place on earth."

Huntsman told the commission he wanted to consolidate the three lots to avoid damaging the hillside and didn't plan to build "a giant mansion." The planning commission ultimately approved the plans with the condition that public access be preserved, but residents are still worried. Huntsman's property is at the end of Golden Hills Canyon Road — a private road with multiple signs dissuading hikers from crossing. At the end of Golden Oaks Drive there's a separate trail path also on private property.

Mikell, a former Cottonwood Heights City Council member, filed an appeal of the commission's decision and a hearing officer will decide the case in early June. "People have been walking and using that canyon since the mining days," she said. "It's a wonderful canyon."

Cottonwood Heights residents launched an initiative to Save Deaf Smith, and

planted signs in their front yards.

On their website, organizers wrote the easement proposed by the homeowner would have "a much steeper incline, requiring construction to make it accessible." They also wrote it would "impede access to the Willow Creek drainage."

## PUBLIC BACKLASH AND SUPPORT FOR THE TRAIL

At a town hall on April 25, roughly 100 residents gathered to tell their mayor and the City Council how much they loved hiking up Deaf Smith. But it became clear that even with public access maintained, residents were still worried about the impact of building near the trailhead.

"I just found the road from Deaf Smith Canyon," said resident Scott Cuthbertson, "my three girls and I, we hike it regularly. That's one of the reasons why we came to this area: access to our magnificent outdoors."

"I would love to see a legal access point for the public to go out there," one Cottonwood Heights resident said at the local meeting last month. "It's about as beautiful

as Big or Little Cottonwood Canyon. It's a massive area and I just think that we need to provide that to our community, to our children and to the people that come to live here."

"It's a very narrow canyon," another resident said. "There's a reason those individual properties were never developed and they're not very developable. If they get combined into one property and that property owner decides to fence their property, it cuts off more thoroughfare for wildlife."

After more than an hour of public comment, it was clear that nearly everyone in the packed hall wanted access to the canyon preserved.

For his part Huntsman continues to promise there is a plan for public access. "We've given a big piece of land so that the legal trail can be used," Huntsman said over the phone, "instead of the private driveway that's been trespassed across for years."

"We're a little frustrated because we did the right thing," Huntsman said, "we worked with the city, we created access to the legal part of the trail and it just kind of is all blown up."



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A private property sign lies crumpled along the path to the Deaf Smith Canyon trailhead.

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